

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PF030111	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/050305	International filing date (day/month/year) 02.07.2004	Priority date (day/month/year) 03.07.2003
International Patent Classification (IPC) or national classification and IPC G06F3/00		
Applicant THOMSON LICENSING		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-14 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-18 received by this Authority on 27.09.2005 with letter of 26.09.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/5-5/5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-18</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-18</u>	NO
Industrial applicability (IA)	Claims	<u>1-18</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1:	KONIG A ET AL: "An acoustic data base navigator for the interactive analysis of psycho-acoustic sound archives" PROCEEDINGS OF THE 5TH INTERNATIONAL CONFERENCE ON SOFT COMPUTING AND INFORMATION/INTELLIGENT SYSTEMS, FUKUOKA, JP, [Online] vol. 1, 16 October 1998 (1998-10-16), - 20 October 1998 (1998-10-20) pages 60-63, XP002324034 ISBN: 981-02-3632-8 Downloaded from internet: URL: http://citeseer.ist.psu.edu/212377.htm 1> [downloaded 2005-04-11]		
D2:	US 2003/030634 A1 (SANG'UDI GERALD P ET AL) 13 February 2003 (2003-02-13)		
1.	The present application fails to meet the requirements of PCT Article 33(1), since the subject matter of claims 1 to 18 does not involve an inventive step as defined by PCT Article 33(3).		
1.1	D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document): a method for navigating within a collection of sound recordings recorded in a reproduction device provided with a display device, comprising - a step wherein each sound recording in the collection		

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- is recorded (implicit in the "database" of figure 1);
- a step wherein the recordings are analysed so as to determine the audio parameters specific to each recording (page 61, left-hand column, lines 18 to 19, "sound samples and their respective features");
- which method is characterised in that it comprises the following step:
- graphic identifiers corresponding to at least a portion of the sound recordings are positioned on a graphic page of the display device, the position of each graphic identifier being separate from the parameters previously calculated for a given recording (page 61, left-hand column, lines 22 to 26);

Consequently, the subject matter of claim 1 differs from the teaching of D1 in the following steps:

- (a) automatic navigation by selecting and reproducing the sound recordings successively according to a strategy taking into account the position of the graphic indicators of the recordings on the graphic page and a geometric feature specific to the reproduction device;
- (b) the total duration of navigation is equal to the sum of the reproduction time of the recordings.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be that of facilitating the interactive selection of a sequence of recordings to be reproduced.

Contrary to an argument put forward by the applicant, the objective technical problem solved by claim 1 relative to the closest prior art, D1, is not that of reducing the

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	<p>number of manual operations required to select the sequence to be reproduced, even if this problem is set forth in the description of the application, because D1 does not mention selecting a sequence of recordings.</p> <p>The interactive selection of an individual recording from the graphic page with a view to reproducing it is already envisaged in D1 (see D1, page 62, right-hand column, lines 8 to 9). Taking D1 as the starting point, a person skilled in the art would be conscious of the usual problem of selecting and reproducing a sequence of audio recordings. To solve said problem, the person would apply his or her general knowledge of the techniques for interactively selecting objects in a graphic representation. These techniques include selecting a number of objects by indicating a geometric shape determining the objects to be selected.</p> <p>By applying this technique to the graphic representation of D1, figure 4, a person skilled in the art would arrive at feature (a) of claim 1 indicated above. Feature (b) of claim 1 is self-evident, given the unremarkable fact that reproducing a sequence of audio recordings in series requires the same time as the sum of the respective durations of the individual recordings.</p> <p>Independent claim 1 cannot therefore be considered to involve an inventive step (PCT Article 33(3)).</p> <p>Note that, alternatively, a person skilled in the art could arrive at the solution of claim 1 by combining D1 and D2. Taking D1 as the starting point and attempting to solve the problem stated above, a person skilled in the art would be conscious that interactive graphic selection techniques are applied in various fields, and would not restrict his or</p>

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	<p>her investigation to the technical field of selecting audio recordings to find a suitable interactive selection technique. He or she would therefore combine D1 and D2, in which a sequence of the graphic indicators is selected in a two-dimensional view by indicating a geometric shape (see D2, paragraphs [0071] and [0074] and figures 2A and 2B.</p> <p>Contrary to an argument put forward by the applicant, the speed control ("speed slider") mentioned in D2 (in paragraph [0068] for example) would not prevent a person skilled in the art from combining D1 and D2 to arrive at the solution of claim 1. It would be clear to a person skilled in the art that viewing data and reproducing audio recordings are different fields of application and that a speed control would be meaningless in the second instance.</p> <p>1.2 Dependent claims 2 to 9 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of inventive step, for the following reasons:</p> <p>claim 2: determining and viewing groups of recordings is already envisaged in D1, page 62, left-hand column, lines 22 to 25 and figure 4.</p> <p>claims 3 and 4: receiving a run command and determining a navigation strategy are already part of the procedure mentioned in 1.1.</p> <p>claims 5 and 6: selecting a segment of a straight line as a geometric shape would be obvious to a person skilled in the art and furthermore is already described in D2, paragraph [0077]. Claim 6 is unclear because there is no mention of how the point of arrival of the line at the edge of the</p>

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screen is determined. Nevertheless, replacing the geometric shapes disclosed in D2 with alternative shapes would not be sufficient to be construed as involving an inventive step.

claims 7 to 9: the features described in said claims are well known in the field of reproducing audio recordings and are among several obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.

- 1.3 Claims 10 to 18 contain technical features that correspond to those of features 1 to 9. Hence, for the reasons stated in 1.1 above, the subject matter of **claims 10 to 18** does not involve an inventive step as defined by PCT Article 33(3).